



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

JAN 10 2006

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Ms. Celeste Cantú
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Ms. Cantú:

Thank you for submitting the Basin Plan amendment containing total maximum daily loads (TMDLs) for bacteria in Malibu Creek watershed. The TMDL submittal was dated December 5, 2005 and received by EPA on December 12, 2005. The State adopted bacteria TMDLs to address the following water bodies identified on California's 2002 Clean Water Act Section 303(d) list:

- Malibu Creek
- Medea Creek
- Las Virgenes Creek
- Malibu Lagoon
- Lindero Creek
- Stokes Creek
- Palo Comado Creek

Based on EPA's review of the TMDL submittals under Clean Water Act Section 303(d)(2), I have concluded the TMDLs adequately address the pollutant of concern and, upon implementation, will result in attainment of the water quality standards adopted by the State. These TMDLs include waste load and load allocations as needed, take into consideration seasonal variations and critical conditions, and provide an adequate margin of safety.

The State provided sufficient opportunities for public review and comment on the TMDLs and demonstrated how public comments were considered in the final TMDLs. All required elements are adequately addressed; therefore, the TMDLs are hereby approved pursuant to Clean Water Act Section 303(d)(2).

As you are aware, on March 21, 2002, EPA established TMDLs for bacteria for the Malibu Creek watershed in order to meet the March 22, 2002 deadline specified in the consent decree entered to settle the *Heal the Bay, et al. v. Browner* lawsuit. The approved State TMDLs for bacteria in Malibu Creek watershed now supercede the TMDLs established by EPA in March 2002; therefore, the State's TMDLs are now the applicable TMDLs for Clean Water Act purposes.

The State submittal also contains a detailed plan for implementing these TMDLs. Current federal regulations do not define TMDLs as containing implementation plans; therefore, EPA is not taking action on the implementation plan provided with the TMDLs. However, EPA generally concurs with the State's proposed implementation approaches.

The enclosed review discusses the basis for this decision in greater detail. I appreciate the State and Regional Board's work to adopt these TMDLs and look forward to our continuing partnership in TMDL development. If you have questions concerning this action, please call me at (415) 972-3572 or David Smith at (415) 972-3416.

Sincerely yours,



Alexis Strauss
Director
Water Division

10 January 2006

enclosures

cc: Jonathan Bishop, LARWQCB